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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,296	10/29/2003	Jeffrey Schwartz		5127

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EXAMINER

WALK, SAMUEL J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,296

Applicant(s)

SCHWARTZ ET AL.

Examiner

Samuel J. Walk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11, 12 and 19 is/are rejected.
- 7) ☒ Claim(s) 2, 10 and 13-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 14-18 are objected to because of the following informalities: a space is required in "claim13" in line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (US 6737989) in view of Bentley (US 2003/0104822).

In reference to Claim 1, Flick discloses a vehicle tracker including variable frequency transmission and related methods wherein claimed electronic tag met by vehicle tracking unit (25); claimed GPS met by vehicle position determining device (42) which upon receipt of GPS signals from GPS satellites, transmits signals indicative of position, see Col. 1 lns 25-32

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and Col. 2 lns 6-25. Flick does not disclose on-board calculations, firmware and directly signalling the remote location. However, Bentley teaches of a location reporting system of a fleet of vehicles wherein sensors 211 of remote tracking device 109 utilize an On-Board Diagnostic system (OBD) which provides a means of diagnosing engine problems and controlling engine functions, see para. [0021]. It would have been obvious to one having ordinary skill that an OBD would utilize calculations to locate and identify malfunctions and to control engine function in relation thereto. Bentley also teaches that it is understood that transceiver 203 and controller 201 of each device 109 would include the necessary firmware/software to achieve compatibility with the communication network 107, see para. [0031]. Finally, Bentley teaches that transceiver 203 is capable of communicating directly with the user and delivering map positioning, see para. [0046]. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Bentley into the system of Flick because: 1) calculating diagnostics would enable the system to function properly and last longer; 2) firmware is necessary for compatibility to the communications network that the system is

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to be used upon; and 3) directly signalling location data to the remote location is faster and more accurate.

In reference to Claims 5-6, see above rejection in reference to Claim 1. In addition, Flick further discloses that a vehicle sensor, such as a motion sensor, is used to activate the GPS receiver, see Col. 20 lns 47-53.

In reference to Claim 7, Flick further discloses back-up battery (44) which is internal to vehicle tracking unit (25), vehicle battery (61) which is external to vehicle tracking unit (25) and controller (40) and switch (55) which determines methods of powering, see Fig. 2 and Col. 8 lns 54-64.

In reference to Claim 8, Examiner takes Official Notice that the concept and advantages of a Rabbit 3000 series processor is both well known and expected in the art. Therefore, one having ordinary skill in the art at the time the invention was made would have readily recognized the use of a Rabbit 3000 series processor because it is a readily available and functionally equivalent component.

In reference to Claim 9, see above rejection in reference to Claim 1.

In reference to Claim 11, see above rejection in reference to Claim 8.

In reference to Claim 12, Flick further discloses alerts, see Col. 8 lns 13-23.

In reference to Claim 19, Flick further discloses a vehicle speeding alert, see Col. 8 lns 13-23.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Bentley and in further view of Camhi (US 5825283).

In reference to Claim 3, Flick discloses a system for the tracking of a vehicle. Flick does not disclose geographic boundaries. However, Camhi teaches of a system for the security and auditing of persons and property wherein the integration of user-defined programmable geographic boundaries is used with a tracking system, see Col. 19 lns 15-17. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Camhi into the system of Flick because it would more efficiently and effectively alert the monitoring station upon the theft of the vehicle and parents would be able to more effectively monitor the location of their children.

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5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Bentley in view of Camhi and in further view of Gioia (US 6067007).

In reference to Claim 4, the combined system of Flick and Camhi disclose a system for monitoring and locating a vehicle with geographic boundaries. Flick and Camhi do not disclose disabling the vehicle. However, Gioia teaches of a method and apparatus for detection notification and location of vehicle theft wherein the security system (12) disable the engine (42) by communicating the alarm signal to the electronic engine control module (36), see Col. 4 lns 9-11. Therefore, Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Gioia into the combined system of Flick and Camhi because it would more effectively stop the theft of the vehicle if the vehicle could no longer be moved by itself.

Allowable Subject Matter

6. Claims 2, 10 and 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter: Claims 2 and 10 appear to be allowable over prior art because prior art fails to teach or suggest storing a time sequence of movements in a flash memory for displaying the path of travel of the moving object over time at a remote location. Claims 13-18 appear to be allowable because prior art fails to teach or suggest firmware containing a plurality of timers, each time being connected with a respected one of a plurality of alerts and each timer being programmed to effect transmission of a signal from a tag to a software component over a communications network indicative of said alert.

Response to Arguments

8. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J. Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJW



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